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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,118	08/04/2003	D. Keith Miller	4847-04A	5751
4678	7590	03/03/2006	EXAMINER	
MACCORD MASON PLLC 300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974 GREENSBORO, NC 27402			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,118

Applicant(s)

MILLER ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-33 and 35-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-33 and 35-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on February 9, 2006.

Claim Objections

2. **Claim 33 is objected** to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 33 recites that the apparatus further comprises a bushing. However, it is unclear what the applicant is trying to claim as his invention since claim 33 depends from claim 29, where the applicant claims a bushing. The examiner asks the applicant, is this bushing presented in claim 33 different from the one claimed in claim 29? Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9-30 and 33-54 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,568,723 to Murphy.

Regarding claims 9,22,29 and 33, Mosch discloses a window latch comprising a cam latch (30 and 36); a housing (10); and a pivot fastener (31,32 and 42) for

attaching the cam latch to the housing. The cam latch is selectively movable between a first open position and a second locked position to secure the window sash in the closed position.

Further, Mosch discloses a bushing (35) adapted for use with the pivot fastener and a detent for retaining the cam latch in one of the open or locked positions. The detent includes at least one protrusion (67 and 68) on one of the housing and the bushing and a receiving groove (65 and 66) on the other of the housing and the bushing (Col. 4 Lines 25-35).

However, Mosch fails to disclose supporting walls that engage the surface of the window sash.

Murphy teaches that it is well known in the art to have support walls extending across the housing that engage a surface of a window sash.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the device described by Mosch supporting walls capable of engaging a surface of the window sash, as taught by Murphy, in order to provide support to the housing structure.

As to claims 10 and 36, Mosch discloses that the cam latch includes an actuator arm (30), a locking arm (body of 36) and a pivot point (through 31) between the actuator arm and the locking arm.

As to claims 11 and 37, Mosch discloses that the window latch further includes a finger tab (end portion of 30) on the actuator arm.

As to claims 12 and 38, Mosch illustrates that the locking arm further includes a cam wall (50).

As to claims 13 and 39, Mosch illustrates that the ratio of the length of the actuator arm to the length of the locking arm is greater than about 2 to provide a mechanical advantage when the window latch is operated (see Figure 4).

As to claims 14 and 40, Mosch discloses that one of the actuator arm and the locking arm includes a key lock receptor (55) and the other of the actuator arm and the locking arm including a complementary key lock (69) extending into the key lock receptor for attaching the cam latch to the housing.

As to claims 15,16,41 and 42, Mosch fails to disclose the use of a fastener extending into the key lock and key lock receptor. Mosch discloses the use of a pin (31).

Murphy teaches that it is well known in the art to secure a key lock (38) into a key lock receptor (32) using a threaded fastener (Figure 2b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the key lock described by Mosch with a fastener, as taught by Murphy, in order to secure the members.

As to claims 17 and 43, Mosch discloses that one of the key lock and the key lock receptor further includes an alignment feature and the other of the key lock and the key lock receptor further includes a mating alignment feature (32,33 and 55).

As to claims 18 and 44, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame (Figure 3) and includes an aperture (14 and 15) for receiving a fastener for attaching the housing to the window.

As to claims 19 and 45, Mosch discloses that the aperture for receiving a fastener includes a retainer (the retainer can be the top edge of the apertures 14 and 15) for receiving a fastener.

As to claims 20 and 46, Mosch discloses that the base of the aperture for receiving a fastener includes a cavity (space under 14 and 15) for receiving shavings formed by attaching the window latch to the window.

As to claims 21 and 47, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame to include a finger shoulder for providing access to the cam latch.

As to claims 22 and 48, Mosch, as modified by Murphy, illustrates that the support wall is between the aperture and cam latch.

As to claims 23 and 49, Mosch, as modified by Murphy, illustrates that the support wall is substantially perpendicular to the window frame.

As to claims 24 and 50, Mosch discloses that the window latch further comprises a locking arm catch (12).

As to claims 25 and 51, Mosch discloses that the window latch further includes a cam detent (53) for engaging the locking arm.

As to claims 26,27,52 and 53, Mosch discloses that the window latch further includes an aperture (16 and 17) for receiving a fastener for attaching the locking arm catch to the window.

As to claims 28 and 54, Mosch discloses that the pivot fastener is substantially non-compressible so as to facilitate the selective movement of said cam latch between the first open position and the second locked position.

As to claim 30, Mosch detent is capable of provide an audible indication of the cam latch being in one of the open and the locked positions.

As to claim 35, Mosch discloses that the detent includes a resilient portion (67 and 68) on one of the housing and the bushing.

5. **Claims 31 and 32 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,568,723 to Murphy as applied to claim 29 above, and further in view of US Pat No 1,948,542 to Repass.

Mosch, as modified by Murphy, fails to disclose that the detent includes at least one protrusion on one of the housing and the cam latch and a receiving groove on the other of the housing and the cam latch.

Repass teaches that it is well known in the art to provide an apparatus to lock a window defining a detent that includes at least one protrusion (27) on one of the housing and the cam latch and a receiving groove (28) on the other of the housing and the cam latch.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus described by Mosch, as modified by

Murphy, with a detent that includes a protrusion/groove engagement between the housing and the cam latch, as taught by Repass, in order to positioning and/or hold the cam latch with respect to the housing.


Response to Arguments

6. In order to correct some informality and after further consideration of the prior art of record, a new rejection to the claims has been made on record in view of Mosch, as modified by Murphy and further as modified by Repass. The previously cited allowable subject matter presented in claim 34 has been withdrawn because of the interpretation given in the rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Patent Examiner AU 3676
February 27, 2006.


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER